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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,432	08/29/2001	Giri Parthasarathy Prathivadi Bayankara	70006405-1	7455
7590	02/02/2005		EXAMINER	
			EDELMAN, BRADLEY E	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/942,432	PRATHIVADI BAYANKARA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bradley Edelman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 August 2001.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This Office action is in response to Application No. 09/942,432, filed on August 29, 2001. Claims 1-15 are presented for examination.

### ***Drawings***

1. The drawings are objected to because they fail to include adequate labels or a legend. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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2. Claim 12 is objected to because of the following informalities: the phrase "for forwarding network a management data request," on lines 3-4 appears to have a grammatical mistake. It apparently should read "for forwarding a network management data request." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claim 9, the term "a second means" on line 1 of the claim is unclear because there is no first means mentioned. It is thus unclear whether a first means should be implied or is inherent, or instead is not part of the claimed invention.

In considering claim 11, the term "the application management data encoded at least partially based on an XML format" lacks sufficient antecedent basis, because claim 10 from which it depends does not mention that the application management data is encoded in XML format.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hemphill et al. (U.S. Patent No. 6,167,448, hereinafter “Hemphill”).

In considering claim 1, Hemphill discloses an application management system, comprising:

a management server computer (“management server,” col. 3, lines 4-5);  
at least one managed application being coupled to the server computer via a communication network (“software,” “application,” col. 3, line 5; col. 5, lines 49-51; col. 6, lines 17-18, 28-29); and

means for encoding and decoding application management data for transmission between the management server computer and the managed application, the means for encoding and decoding application management data being adapted to encode and decode application management data at least partially based on a markup language format (col. 8, line 66 – col. 9, line 12).

In considering claim 2, Hemphill further discloses that the means for encoding and decoding application management data are adapted to encode and decode application management data at least partially based on an XML format (“XML,” col. 8, line 66 – col. 9, line 12).

In considering claim 3, Hemphill further discloses that the means for encoding and decoding application management data comprise a TCP encoding and decoding means ("TCP/IP," col. 7, lines 10-11, 67).

In considering claim 4, Hemphill further discloses that the application management server computer further comprises a browser application program being communicatively coupled to the means for encoding and decoding application management data that is installed at the application management server computer a way that a application management data request message is forwarded from the browser application program to the means for encoding and decoding application management data ("browser... on the management server," col. 4, lines 28-34).

In considering claim 5, Hemphill further discloses that the managed application comprises an agent process being communicatively coupled to a management information database, in which the application management data about at least one application of the managed application is stored ("database" coupled to the "management agent," col. 3, lines 31-35; col. 4, lines 35-38).

In considering claim 6, Hemphill further discloses that the application management data comprises at least one type of the following data: lifecycle

management data; configuration management data; and/or application log management data (col. 5, lines 49-51, "software configurations").

In considering claim 7, Hemphill further discloses a further browser application program being installed on an application management client computer, which is coupled to the management server computer via communication network, the further browser application program being adapted to send application management data requests (col. 3, lines 44-47).

Claims 8-10 describe a server device, managed application, and method for performing the same steps described by the system of claim 1, and are therefore rejected for the same reasons.

In considering claim 11, Hemphill further discloses that the application management data is encoded in XML format and according to TCP (col. 7, lines 10-11; col. 8, lines 66-67).

In considering claim 12, Hemphill further discloses that a browser application program is provided in the management server computer for forwarding a network management data request from the browser application program to the means for encoding and decoding application management data ("browser... on the management server," col. 4, lines 28-34).

In considering claim 13, Hemphill further discloses:

encoding a application management data request message at least partially according to a markup language format; encoding the application management data request message according to the TCP format; transmitting the encoded application management data request message to the managed application; decoding the encoded application management data request message according to the TCP format; decoding the TCP-decoded application management data request message at least partially according to the markup language format; determining the requested application management data requested in the application management data request message; and reporting the determined requested application management data to the management server computer (col. 4, lines 32-45; col. 8, line 66 – col. 9, line 12).

In considering claim 14, Hemphill further discloses encoding an application management data response message at least partially according to the markup language format, the application management data response message including the determined requested application management data; encoding the application management data response message according to the TCP format; transmitting the encoded application management data response message to the management server computer; decoding the encoded application management data response message according to the TCP format; decoding the TCP-decoded application management data

response message at least partially according to the markup language format (col. 4, lines 32-45; col. 8, line 66 – col. 9, line 12).

In considering claim 15, Hemphill further discloses displaying the determined requested application management data using a graphic user interface (col. 4, lines 28-34).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 571-272-3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Bradley Edelman*

BE  
January 31, 2005